

ORDINANCE NO. 20080131-101

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5701-5725 DIEHL TRAIL FROM GENERAL OFFICE-MIXED USE-CONDITIONAL OVERLAY (GO-MU-CO) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-CONDITIONAL OVERLAY (MF-4-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general office-mixed use-conditional overlay (GO-MU-CO) combining district to multifamily residence moderate high density-conditional overlay (MF-4-CO) combining district on the property described in Zoning Case No. C14-2007-0211, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1 and 2, Milwood Section 19 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 85, Pages 55A-55B of the Plat Records of Travis County, Texas (the "Property"),

locally known as 5701-5725 Diehl Trail, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,260 trips per day.
- B. The maximum density on the Property is 18 dwelling units per acre.
- C. A 25-foot wide vegetative buffer shall be provided and maintained along the property lines that run adjacent to the existing single family residential uses to the north, west, and east of the Property. Improvements permitted within the buffer zone are limited to fencing, drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

- D. Trees provided and maintained for screening within the vegetative buffer shall have a minimum height of 12 feet and shall be planted along the north, west, and east property lines, adjacent to a seven foot high solid fence to be provided and maintained along the same property lines.
- E. No building coverage is allowed within the portion of the Property identified as a 0.062 acre tract of land more particularly described by metes and bounds on the attached Exhibit "B".

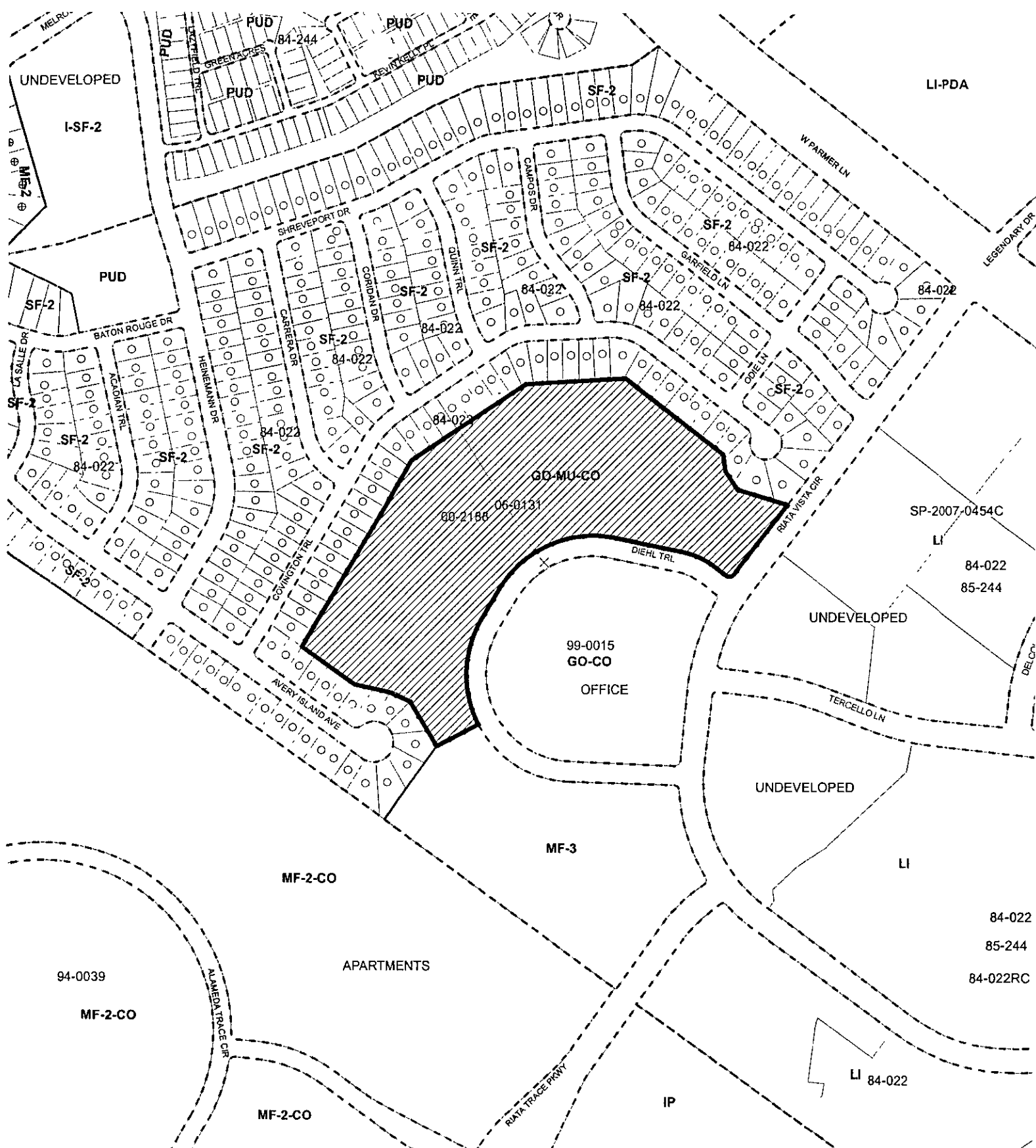
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence moderate high density (MF-4) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on February 11, 2008.

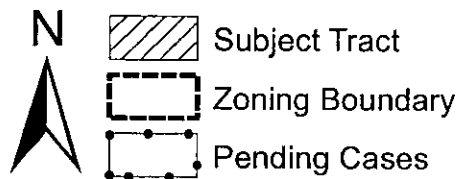
PASSED AND APPROVED

_____, January 31, 2008 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Gentry
 City Attorney City Clerk



ZONING EXHIBIT A



ZONING CASE#: C14-2007-0211
 ADDRESS: 5701-5725 DIEHL TRL
 SUBJECT AREA: 17.078 ACRES
 GRID: J36
 MANAGER: S. SIRWAITIS



1" = 400' OPERATOR: S MEEKS

This map has been produced by G I S Services for the sole purpose of geographic reference
 No warranty is made by the City of Austin regarding specific accuracy or completeness

0.062 ACRE
LEGACY PARTNERS RESIDENTIAL
DEVELOPMENT, INC.

EXHIBIT B

FN NO. 08-065(KWA)
JANUARY 30, 2008
BPI JOB NO. 1644-02

DESCRIPTION

OF 0.062 ACRE OF LAND OUT OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, MILWOOD SECTION 19, A SUBDIVISION OF RECORD IN VOLUME 85, PAGES 55A AND 55B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.062 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING at a 60D nail found at the common northerly corner of Lot 1 and Lot 2 of said Millwood Section 19, being in the southerly line of Lot 24, Millwood Section 16, a subdivision of record in Book 83, Pages 192D and 193A of said Plat Records;

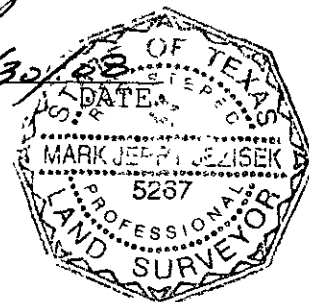
THENCE, N68°26'20"E, leaving the southerly line of said Lot 24, over and across said Lot 1, a distance of 122.65 feet to the **POINT OF BEGINNING** and the most westerly corner hereof;

THENCE, continuing over and across said Lot 1, along the westerly, northerly, easterly and southerly lines hereof, the following five (5) courses and distances:

- 1) N56°51'16"E, a distance of 80.13 feet to the most northerly corner hereof, from which a 1/2 inch iron rod found at an angle point in the northerly line of said Lot 1 and the southerly line of Lot 29 of said Millwood Section 16 bears N29°49'49"E, a distance of 55.79 feet;
- 2) S33°18'58"E, a distance of 72.22 feet to the most easterly corner hereof;
- 3) S84°37'39"W, a distance of 25.25 feet to a point of curvature of a curve to the right;
- 4) Along said curve to the right having a radius of 24.63 feet, a central angle of 53°05'45", an arc length of 22.83 feet, and a chord which bears N68°40'08"W, a distance of 22.02 feet to the point of reverse curvature of a curve to the left;
- 5) Along said reverse curve to the left having a radius of 50.50 feet, a central angle of 75°51'06", an arc length of 66.86 feet, and a chord which bears N79°53'29"W, a distance of 62.08 feet to the **POINT OF BEGINNING**, containing an area of 0.062 acre (2,682 sq. ft.) of land, more or less, within these metes and bounds.

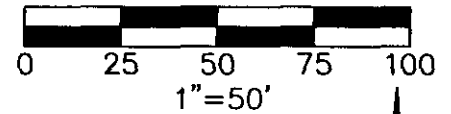
BURY & PARTNERS, INC.
ENGINEERING SOLUTIONS
221 WEST SIXTH STREET, SUITE 600
AUSTIN, TEXAS 78701

Mark J. Jezisek
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS



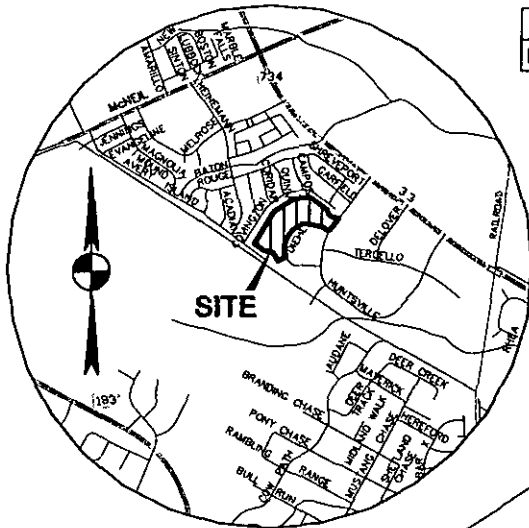
CURVE TABLE

No.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	53°05'45"	24.63	22.83	22.02	N68°40'08"W
C2	75°51'06"	50.50	66.86	62.08	N79°53'29"W



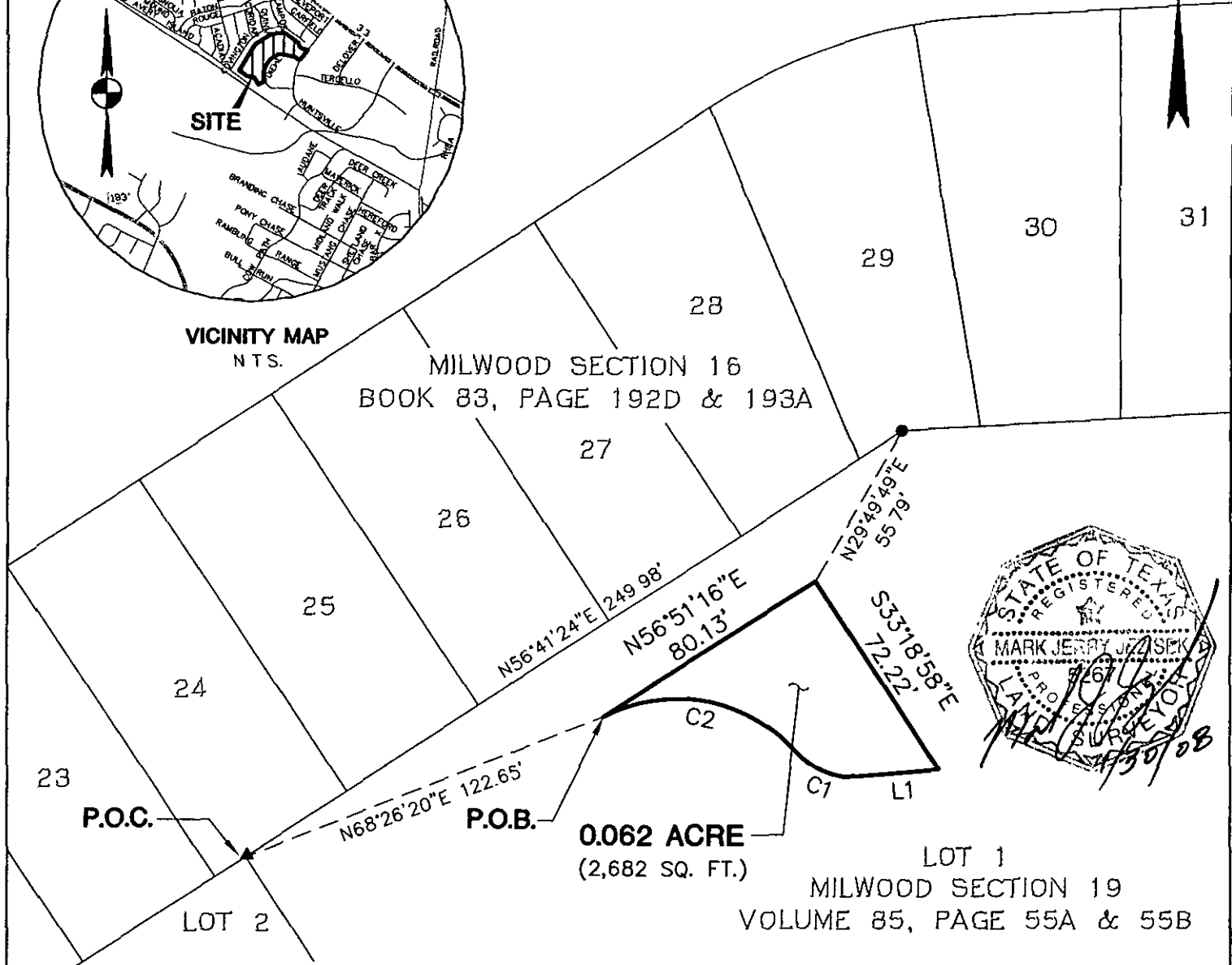
LINE TABLE

LINE	BEARING	LENGTH
L1	S84°37'39"W	25.25



VICINITY MAP
NTS.

MILWOOD SECTION 16
BOOK 83, PAGE 192D & 193A



LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- P.O.B POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BEARING BASIS:

THE BEARING BASIS OF THE SURVEY SHOWN HEREON, IS TEXAS STATE PLANE COORDINATES CENTRAL ZONE (HARN-NAD83) AND WAS DETERMINED BY GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS CONNECTED TO THE FOLLOWING CITY OF AUSTIN CONTROL MONUMENTS G-36-3001, F-37-2001, F-37-2002, AND L-35-1001

Bury+Partners
ENGINEERING SOLUTIONS
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Austin, Texas 78701
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SKETCH TO ACCOMPANY DESCRIPTION

OF 0.062 ACRE OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION LOTS 1, MILWOOD SECTION 19, A SUBDIVISION OF RECORD IN VOLUME 85, PAGES 55A AND 55B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS

**LEGACY PARTNERS
RESIDENTIAL
DEVELOPMENT, INC.**